

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 924 of 1996

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 TO 5 NO

PRAVINKUMAR I POTA

Versus

STATE OF GUJARAT

Appearance:

MR PV HATHI for Petitioner

SERVED for Respondent No. 1

MR DA BAMBHANIA for Respondent No. 2

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 25/11/97

ORAL JUDGEMENT

The petitioner before this court is serving as a Steward, which is a post equivalent to that of Office Superintendent under respondent No.2 herein. It appears that on 18th June, 1993, the petitioner was transferred from Ahmedabad to Jamnagar. The petitioner did not comply with the said order for many months and ultimately

reported for duty on 17th March, 1994. The petitioner did not disclose any reason for not complying with the order of transfer either. On his reporting for duty on 17th March, 1994, the petitioner was not permitted to take the charge, which it appears that the petitioner was permitted to do on 11th May, 1995. Since 11th May, 1995, the petitioner has been serving at Jamnagar as Steward. It is the claim of the petitioner that he is eligible for further promotion to the post of Administrative Officer. On 10th October, 1995, some of the Office Superintendents were promoted as Administrative Officers who were junior to the petitioner superseding the petitioner. Feeling aggrieved, the petitioner has preferred this petition.

It appears that on account of petitioner's absence from service from 18th June, 1993 to 17th March, 1994, and on account of his disobeying the order of the superior, a disciplinary action has been initiated against the petitioner. Pending said disciplinary action, the petitioner has not been promoted as Administrative Officer. I am informed that the disciplinary proceedings initiated against the petitioner are completed, however, the Inquiry Officer has yet not submitted his report.

In the circumstances, this petition is partly allowed. The respondents are directed to complete the disciplinary action initiated against the petitioner within a period of three months from today. In the event the petitioner is exonerated, or in case the disciplinary action is not completed as aforesaid, the petitioner be promoted as an Administrative Officer if selected by the Selection Committee and be given suitable deemed date of promotion. The necessary consequences of grant of deemed date of promotion shall follow. In the event the petitioner is not selected by the Selection Committee, the petitioner may be informed accordingly. If the petitioner is found guilty and is visited with punishment, his case for promotion be reconsidered keeping in view the punishment imposed upon him.

Rule is made absolute to the aforesaid extent.
There shall be no order as to costs.
